

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 28 2011 ★

**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ERIC PENA,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, DETECTIVE DAVID GROSS,  
DETECTIVE JAMIE ARROYO, Police Officers of the  
City of New York, in their individual and official  
capacities,

Defendants.

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**STIPULATION AND ORDER  
OF DISMISSAL**

11 CV 1581 (NGG) (RLM)

**WHEREAS**, Plaintiff Eric Pena commenced this action by filing a complaint on or about March 31, 2011, in the Eastern District of New York alleging that certain of his federal and state rights were violated; and

**WHEREAS**, Defendants City of New York, the New York City Police Department, Detective David Gross, and Detective Jamie Arroyo denied any and all liability arising out of Plaintiff's allegations; and

**WHEREAS**, Defendants served a motion to dismiss Plaintiff's complaint under Fed. R. Civ. P. 12(b)(6) on August 29, 2011; and

**WHEREAS**, Plaintiff does not oppose Defendants' motion and now desires to resolve the issues raised in this litigation, without further proceedings; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, that all individual claims that were asserted or could have been asserted on behalf of Plaintiff Eric Pena against the defendants, the City of New York, the New York City Police Department, Detective David Gross, and Detective Jamie Arroyo; their successors and assignees; and all past and present officials, employees, representatives, and agents of the City of New York in the above-entitled proceeding arising out of the events alleged in the complaint in this matter, are hereby dismissed and discontinued, with prejudice, without attorneys' fees, expenses, or costs to any party, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: New York, New York  
September 23, 2011

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By: 

Cecilia A. Silver  
Assistant Corporation Counsel  
Special Federal Litigation Division

SO ORDERED:

s/Nicholas G. Garaufis

THE HONORABLE NICHOLAS G. GARAUFIS

9/26/11